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In Chancery.

Between

CITY OF LONDON.

Amasa Wood.....Plaintiff

AND

Ann Elizabeth Arkell, Charles Merriman Arkell, Clara W. Arkell, Ida Mary Arkell, and Frederick William Arkell, the last four named being infants under the age of twenty-one years, *Defendants.*

amended To the Honorable the Judges of the Court of Chancery.

The Bill of Complaint of Amasa Wood, of the Village of Fingal, in the County of Elgin,
and Province of Ontario, Merchant, the above-named Plaintiff, SHEWETH.

1. That ^{on or about} ~~shortly before~~ the thirteenth day of December, in the year of our Lord, 1869, ~~your~~ ^{Complainant and} one William Arkell, since deceased, agreed ^{together} ~~that they would endeavor~~ to purchase the following lands, that is to say, that parcel or tract of land and premises situate, lying and being in the Township of Southwold, in the County of Elgin, in the Province of Ontario, containing by admeasurement 91 acres and six-tenths of an acre, be the same more or less, and being composed of Lot number 1, on the westerly side of the Routh Road, according to a plan and survey of Lots numbers 13, 14, 15, 16 and 17, in the Broken Front Concession of the said Township of Southwold, made by William McMillan, Esquire, Provincial Land Surveyor, ^{place the} ~~for the~~ Honorable Jean Thomas Taschereau and Charles Perrault Lindsay, bearing date the twenty-fourth day of November, in the year of our Lord 1869, and deposited in the Registry Office of the County of Elgin, ~~and if they succeeded in purchasing, that they would, as soon as a favorable opportunity should occur, endeavor to sell the same again at a profit; and it was further agreed, that the said William Arkell should act for and on behalf of both of them in the purchasing thereof, and that he and your Complainant should be equally interested therein.~~ ^{2. You took about \$10000 of his in agreement}

2. The said William Arkell, accordingly, and in pursuance of the said agreement, purchased the said lands from the Honorable Jean Thomas Taschereau and Charles Perrault Lindsay for the sum of \$665.21, of which the said William Arkell paid then in cash the sum of \$165.21, whereupon they, by Indenture of Bargain and Sale, bearing date the said thirteenth day of December in the year of our Lord 1869, granted and conveyed the said lands to the said William Arkell and his heirs, and he on the same day, by Indenture of Bargain and Sale by way of Mortgage granted and reconveyed the same to them, to secure the payment of the sum of \$500, (being the remainder of the said purchase money) in 4 equal annual instalments of one-fourth the said sum each, in 1, 2, 3 and 4 years from the date of the said Mortgage, together with interest with each instalment, upon the whole unpaid principal.

3. ~~α The said William Arkell advanced one half of the said sum of \$165.21, so paid down for your Complainant, who subsequently repaid the same to him.~~ *has not conveyed*

4. No sum whatever has been paid on account of either the principal or interest of the said Mortgage money, and 2 instalments thereof are in arrear.

5. In or about the month of May, in the year of our Lord 1870, the said William Arkell died *intestate*, leaving him surviving, his widow the defendant Ann Elizabeth Arkell and 4 children, the defendants Charles Merriman Arkell, Clara W. Arkell, Ida Mary Arkell, and Frederick William Arkell, his heirs and heiresses at law, of whom Charles Merriman, the eldest, is now of the age of 15 years.

6. In or about the month of June, in the year of our Lord 1870, the defendant Anne Elizabeth Arkell was appointed Administratrix of all and singular the goods and chattels, rights and credits, which were of the said William Arkell, by the Surrogate Court of the County of Elgin, being the proper Court in that behalf.

7. The said lands are wild lands, and are worth about \$1000.

with the Honorable Jean Thomas Taschereau, The Honorable Henri Exp
Taschereau, Luchey and Charles Perrault Lindsay

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8. The said lands are more valuable and can be sold and disposed of to greater advantage in one block than otherwise, and they cannot be partitioned between your Complainant and the Defendants without prejudice to the interests of all of them.

9. Your Complainant submits that he is entitled to an undivided one-half or moiety of the equity of redemption in the said lands, and that the infant Defendants are entitled each to an undivided one-eighth part or share therein, but subject to the dower of the Defendant Ann Elizabeth Arkell in the undivided moiety or one-half share of the said William Arkell therein.

10. The defendant Ann Elizabeth Arkell is willing to accept in lieu of her dower, in an undivided moiety of the equity of redemption in said lands, such portion of the proceeds of the sale thereof, as this Honorable Court may deem the value of such dower.

11. Your Complainant submits that the said lands ought to be sold under the direction of this Honorable Court, subject to the payments yet to accrue under and by virtue of the said Mortgage, and that the proceeds of such sale should be applied, first, in payment of the arrears upon the said Mortgage; and secondly, in payment of the costs of this suit, and that the remainder should be allotted between your Complainant and the Defendants, according to their several interests therein as aforesaid.

Your Complainant therefore prays :—

1. That the said lands and premises may be sold under the direction of this Honorable Court, subject to the moneys and interest yet to accrue due upon the said Mortgage, and that out of the proceeds of such sale may be paid, firstly, the arrears upon the said Mortgage, and secondly, the costs of this suit.

2. That the residue of such proceeds may be allotted between your Complainant and the Defendants, one-half thereof to your Complainant, and the remainder among the Defendants, according to their interests.

3. Or if this Honorable Court should not deem it advisable that the said lands should be sold, that the same may be partitioned, subject to the said Mortgage, one-half thereof being allotted to your Complainant, and the other half to and among the Defendants, and that the several portions allotted may be conveyed to, and vested in fee simple, in the parties entitled thereto; and that your Complainant may be paid his costs of this suit, or such part thereof as the Court may think fit, and may have a charge therefor upon the portions allotted to the Defendants.

4. That for the purposes aforesaid, all proper directions may be given and accounts taken.

5. That your Complainant may have such further and other relief in the premises as to your Lordships may seem meet.

And your Complainant will ever pray.